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In re Application of :
Nagai, Toshiaki :
Application No.: 09/807,222 :
PCT No.: PCT/JP00/02970 :
Int. Filing Date: 10 May 2000 :
Priority Date: 08 November 1999 :
Attorney Docket No.: 109159 :
For: NETWORK TRADING SYSTEM AND :
METHOD :

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is in response to applicant's "Renewed Submission under 37 CFR 1.42" filed on 28 September 2001. In a decision dated 15 August 2001, applicant's request filed 11 April 2000 was dismissed because the declaration was defective under 37 CFR 497(b).

On 28 September 2001, applicant filed the present renewed request accompanied by an declaration/power of attorney executed by Yishiko Nagai as the "estate executor" of the deceased inventor, Toshiaki Nagai.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 28 September 2001 is executed by Yishiko Nagai as the "estate executor" of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 28 September 2001.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 10 May 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **28 September 2001**.

Deposit Account No.15-0461 has been charged a \$130.00 surcharge fee under 37 CFR 492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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